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December 17, 2019

Via ECF

Hon. Loretta A. Preska
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Petersen Energía Inversora, S.A.U. v. Argentine Republic*, No. 15-cv-02739
Eton Park Capital Management, L.P. v. Argentine Republic, No. 16-cv-8569

Your Honor:

I write on behalf of Plaintiffs in the above-captioned cases in opposition to Defendants' request (*Petersen*, ECF #134, the "Letter") to extend the deadline for the reply brief in support of their motion for reconsideration of this Court's denial of their motion to dismiss these cases for *forum non conveniens*. The request for an extension of more than two months — in an already protracted briefing schedule on a reconsideration motion — is unreasonable and should be denied.

Defendants' request is predicated on the change in administration resulting from the recent Argentine elections. But the Court already took that consideration into account in its September 17, 2019 order, which substantially extended the briefing schedule to ensure that Argentina's reply brief would be filed by whichever "administration will have the power to speak for the Republic." ECF #119. When the Court issued that order, it was foreseeable — indeed, it appeared likely — that the election would result in a new administration.

Pursuant to the Court's schedule, the incoming administration took power just *two business days* after Plaintiffs filed their response brief. Thus, by design, Defendants have nearly the entire period contemplated by the Court to furnish their reply brief. And Defendants can hardly claim a need "for newly installed officials" to instruct counsel in the litigation. Letter at 2. After all, current Vice President Cristina Fernández de Kirchner was *President* when Argentina took control of YPF, when the *Petersen* complaint was filed, and when Argentina filed its first (and unsuccessful) motion to dismiss based on *forum non conveniens*. Carlos Zannini, the new administration's Attorney General, is also deeply familiar with the facts of these

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lawsuits, as he was likewise intimately involved in the YPF takeover in his role as Secretary of Legal Affairs to then-President Kirchner. On a motion for reconsideration, Defendants are not permitted to introduce new arguments they could have raised before — not least on reply.

Similarly, Defendants’ asserted need to respond to Plaintiffs’ “voluminous submission” deliberately overlooks the fact that Plaintiffs merely responded to the issues Defendants raised in their brief. Plaintiffs have not raised any new or collateral issues. Moreover, Defendants continue to be represented by able New York counsel who are intimately familiar with this case. There is simply no reason to believe that counsel, YPF (which has had no change of control), and the current Argentine government (with all of its holdovers from the Kirchner administration) cannot assemble and file a timely reply brief.

Since the remand from the Second Circuit, Defendants’ motion for reconsideration has already delayed this case nearly six months. While transitional issues in the Republic may justify a limited extension on the order of one to two weeks, Defendants’ request for an extension of two *months* — for a reply brief — smacks of its publicly-announced strategy of “delay[ing] as much as possible” the resolution of this case.¹ The Court should deny Defendants’ request for an extension or, in the alternative, grant a far more limited extension than the one requested.

Respectfully submitted,

/s/ Mark C. Hansen

Mark C. Hansen

Cc: All counsel of record via ECF

¹ *E.g., YPF confía en que el fondo Burford perderá el juicio de u\$s 3000 millones por la estatización*, El Cronista (Oct. 30, 2018) (translated from Spanish), <https://goo.gl/QqmzNQ>.